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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/686,003	10/14/2003	Boyd R. Perttu	P18-002-01-US	6860
22854	7590	03/13/2006		EXAMINER
MOORE, HANSEN & SUMNER, PLLP 225 SOUTH SIXTH ST MINNEAPOLIS, MN 55402				MAI, TRI M
			ART UNIT	PAPER NUMBER
			3727	

DATE MAILED: 03/13/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

88

<b>Office Action Summary</b>	Application No.	Applicant(s)
	10/686,003	PERTTU, BOYD R.
	Examiner	Art Unit
	Tri M. Mai	3727

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) Responsive to communication(s) filed on \_\_\_\_\_.
- 2a) This action is FINAL.                            2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) Claim(s) 1-14 is/are pending in the application.
  - 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-14 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.
 

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All    b) Some \* c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: \_\_\_\_\_

## DETAILED ACTION

1. Claims 1-8, and 10-13 are rejected under 35 U.S.C. 102(b) as being anticipated by Cote (5467908). Cote teaches a fish stringer for retaining fish having a cord like member 16, having an insertion end in Fig. 4, and a retaining end, a rigid insertion member 32 coupled to the insertion end, the retaining member having sufficient size to prevent the retained fish when strung onto the cord-like member, the retaining member 10 having the shape and size of a fish being suspended from the retaining end of the cord like member in an upright position as claimed.

Regarding claim 2, the fish 10 as shown in Fig. 1 is under water as claimed.

Regarding claim 3, note the retaining fishes 30 are under water.

2. Claims 9, and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cote in view of Tallerico (5327670) or Reed (20050039374). It would have been obvious to one of ordinary skill in the art to provide a non-reflective surface in Cote as taught by either Tallerico (col. 4, ln. 33) or Reed (para. 28, ln. 11) to provide the desired surface for adaptive to surrounding environment.

3. Claims 1-8, and 10-13 are rejected under 35 U.S.C. 102(b) as being anticipated by Haddock (3137421). Haddock teaches a stringer having a cord like member 16, having an insertion end, and a retaining end, a rigid insertion member 108 coupled to the insertion end, the retaining member having sufficient size to prevent the retained fish when strung onto the cord-like member, the retaining member 10 having the shape and size of a fish being suspended from the retaining end of the cord like member in an upright position as claimed.

Note the fishes 88 are underwater as shown in Fig. 13.

4. Claims 10-13 are rejected under 35 U.S.C. 102(b) as being anticipated by Vobejda (4742638). To the degree that it is only a retaining member being claimed, Vobejda teaches a body in the configuration of a fish body having a mouth and a tail and a coupling portion at 12.

5. Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over Vobejda in view of Tallerico or Reed. It would have been obvious to one of ordinary skill in the art to provide a non-reflective surface in Cote as taught by either Tallerico (col. 4, ln. 33) or Reed (para. 28, ln. 11) to provide the desired surface for adaptive to surrounding environment.

6. Claims 5, and 8 are rejected under 35 U.S.C. 102(b) as being anticipated by Griffin et al. (2518541). Griffin teaches a retaining member 12 and an insertion end 20.

7. Claims 1-4, and 6-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Vobejda in view of either Cote or Haddock. It would have been obvious to one of ordinary skill in the art to provide a retaining member in the shape of a fish to provide the desired shape for the retaining member.

8. Claims 1-14 are rejected under 35 U.S.C. 102(b) as being anticipated by Kimbrough (2972438). Kimbrough teaches a fish stringer having cord like member a rigid insertion member 22 and a retaining member (fish A). Note the teaching in Tallerico with respect to fish having non-reflective surface (col. 1, ln. 24).

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tri M. Mai whose telephone number is (571)272-4541. The examiner can normally be reached on 7:30am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nathan Newhouse can be reached on (571)272-4544. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Tri M. Mai  
Primary Examiner  
Art Unit 3727

